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August 26, 2022

BY CM/ECF & HAND DELIVERY

The Honorable Christopher J. Burke
 U.S. District Court for the District of Delaware
 844 North King Street
 Wilmington, DE 19801

Re: *Advanced Cluster Systems, Inc. v. NVIDIA Corp.*, C.A. No. 19-2032-MN-CJB

Dear Judge Burke:

Plaintiff, Defendants and Third Party Knobbe Martens LLP write to request the scheduling of a discovery teleconference. The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer on the following date(s) where an impasse was declared.

Date	Delaware Counsel	Lead Counsel
August 10, 2022	Nathan Hoeschen (Delaware counsel for Plaintiff and Third Party) Stephanie O'Byrne (Delaware counsel for Defendants)	Cheryl Burgess (Plaintiff) Stephen Larson (Knobbe Martens) Carrie Williamson (Defendants) Peter Nelson (Defendants)
August 26, 2022	Nathan Hoeschen, Karen Keller (Delaware counsel for Plaintiff and Third Party) Stephanie O'Byrne (Delaware counsel for Defendants)	Cheryl Burgess (Plaintiff) Ben Shiroma (Plaintiff) Stephen Larson (Knobbe Martens) Clayton Thompson (Defendants) Peter Nelson (Defendants)

The disputes requiring judicial attention are listed below:

- Knobbe Martens' Motion to Quash and for a Protective Order regarding Plaintiff's Subpoena to Knobbe Martens; and
- NVIDIA's cross-motion to compel (1) Knobbe Martens to comply with NVIDIA's Rule 45 deposition subpoena, and (2) Knobbe Martens partners Ted Cannon and Lance Smemoe to appear for deposition in response to NVIDIA's subpoenas in their respective individual capacities.



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Both parties and third party Knobbe Martens LLP and Knobbe Martens partners Ted Cannon and Lance Smemoe consent to Your Honor resolving this dispute under Your Honor's procedures governing discovery disputes.

Given the common issues to be addressed in the motion to quash and cross-motion to compel, the parties propose the following order of briefing: Knobbe provides an opening letter up to 3 single-spaced pages, NVIDIA provide a responsive letter up to 3 single-spaced pages, Knobbe provide a reply letter of 1 single-spaced page, NVIDIA provides a surreply letter of up to 1 single-spaced page.

Respectfully submitted,

/s/ Stephanie E. O'Byrne

Stephanie E. O'Byrne (DE Bar No. 4446)

cc: Clerk of the Court (via CM/ECF & Hand Delivery)
All counsel of record (via email)